

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Laurin et al.
Serial No.: 10/044,779
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Invention: Idea Management

Atty Dkt: 2588/102
Art Unit: 3623
Examiner: Romain Jeanty
Date: August 20, 2008

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SUMMARY OF THE EXAMINER INTERVIEW

Dear Sir/Madam:

The Applicant submits the following summary of the Examiner Interview held on August 19, 2008 between the Applicant's representatives, Bruce Sunstein and Jakub Michna, and Examiners Romain Jeanty and Beth Van Doren.

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Summary of the Examiner Interview

An Examiner interview was held on August 19, 2008 between the Applicant's representatives, Bruce Sunstein and Jakub Michna, and Examiners Romain Jeanty and Beth Van Doren. During the Interview, Mr. Sunstein explained that the cited prior art did not disclose two limitations that are required by claim 1. Mr. Sunstein explained the limitations as follows:

1. The "wherein" clause at one end of the claim requires that the employee's suggestion is collected *dynamically* by a series of templates because the server logically selects at least one of the templates based upon the type of suggestion characterized by the user.
2. The third clause requires that routing of the suggestion to business management is performed *dynamically* based on the content of the suggestion itself.

Mr. Sunstein stressed that neither one of the above two limitations is taught in any of the cited references. He emphasized that the rejection must account for all of the claim limitations, yet the rejection accounts for neither one of these two limitations. For this reason Examiner Jeanty has not made a *prima facie* case of rejection against the claim. Moreover, Mr. Sunstein explained that the D'Alessandro reference cited against claim 1 teaches away from the dynamic collection of employee suggestions. As stated at page 14 of the Applicant's response, D'Alessandro teaches a survey system that asks employees the same questions in the same way. In direct contradistinction, the claim requires a dynamic collection method. The Supreme Court has recognized that demonstrating that the prior art teaches away from a combination is an excellent way to show non-obviousness. *See KSR Intl. Co. v. Teleflex, Inc.*, 127 S.Ct. 1727, 1740 (2007) (citing *U.S. v. Adams*, 383 U.S. 39, 51-52 (1966)).

Although no agreement was reached regarding the allowance of the claims, after listening to Mr. Sunstein's arguments, Examiner Jeanty acknowledged that the Applicant's arguments made sense and conceded that the cited prior art did not meet the limitations of claim 1. Examiner Jeanty said that he would need to update his search and that he would act accordingly after he updated his search. Mr. Sunstein encouraged

Examiner Jeanty to contact the Applicant's representatives if he encountered any other references that would be an obstacle to an allowance.

Respectfully submitted,

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